REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the following comments are respectfully requested.

Claims 7, 9 - 14, 23, and 24 are pending in the application. Currently, all claims stand rejected.

In the office action mailed May 25, 2005, claims 7, 10, 12, and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,026,252 to Hoffelner; claims 9, 11, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner in view of U.S. Patent No. 5,688,105 or GB 2,304,158, both to Hoffelner; and claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner and further in view of Wolfe et al.

The foregoing rejections are traversed by the instant response.

Independent claim 7 is directed to a brush seal segment comprising a bristle arrangement having a retention section and a pair of plates flanking the bristle arrangement and having a channel to frictionally engage the retention section. The channel extends to an end of at least one of the plates. The claim further calls for each of the plates to have a surface which abuts and contacts the bristle arrangement with at least one of the surfaces forming a portion of the channel. Still further, the claim says that the channel allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together. At best, Hoffelner '252 illustrates the prior art where a plurality of bristles are positioned between two plates 8 and 9. Hoffelner does not illustrate or discuss any retention section and does not illustrate or discuss the claimed channel which frictionally engages the retention section. The

Examiner merely assumes that there is some retention section and that there is some channel which engages the retention section. Such an assumption is not sufficient to make out a case of anticipation. Anticipation requires that each and every element set forth in the claim is found either expressly or inherently described in a single prior art reference. The Hoffelner patent does not expressly show the claimed retention section and/or the claimed channel. For example, there is nothing in Hoffelner which would indicate that there is any channel which allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together. The Examiner also has not made out a case of inherency. To establish inherency, the Examiner must show that the missing descriptive matter is necessarily present in the thing described in the reference and that it would be so recognized by persons of ordinary skill. See *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.* at 1269, 20 USPQ2d at 1749. For these reasons, claim 7 is allowable over Hoffelner '252.

Claims 10, 12 and 23 are allowable for the same reasons as claim 7 as well as on their own accord. Hoffelner '252 does not show any channel located on at least one of the plates (claim 10), a bristle ring (claim 12), and/or a uniform channel depth (claim 23).

With respect to the obviousness rejection of claims 9, 11, 13, and 14, these claims are allowable for the same reasons as claim 7. The Hoffelner '105 and Hoffelner '158 patents do not cure the aforementioned deficiencies of Hoffelner '252. None of

these references teaches or suggests a bristle arrangement having a retention section and a channel which frictionally engages the retention section. Nor does any of these references teach or suggest a channel having the width and length called for in claim 9. Further, none of the references teach or suggest a channel located on both of the plates as set forth in claim 11. Also none of the references teach or suggest a packing ring containing a labyrinth seal as set forth in claim 14.

With respect to the obviousness rejection of claim 24, the Wolfe patent relied upon by the Examiner as showing the use of a weld joint does not cure the aforementioned deficiencies of Hoffelner. Consequently, claim 24 is allowable for the same reasons as claim 7. Neither reference teaches or suggests a channel frictionally engaging the retention section, which allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together.

For the foregoing reasons, the instant application is condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

Appl. No. 10/065,897  
Req. dated Aug. 25, 2005  
Reply to office action of May 26, 2005

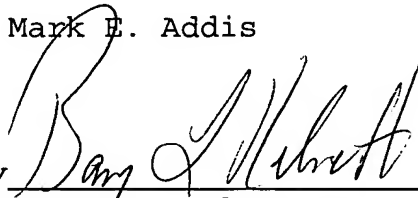
Docket No. EH-10713 (04-532)

No fee is believed to be due as a result of this response.  
Should the Director determine that a fee is due, he is hereby  
authorized to charge said fee to Deposit Account No. 21-0279.

Respectfully submitted,

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By



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Date: August 25, 2005

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 25, 2005.

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